An Overview of Land Use & Zoning and the Public Review Process
Land Use 101 Topics

• Origins of Zoning
• Zoning Mechanics & Land Use
• Zoning Concepts & Tools
• Helpful Planning Resources
Origins of Zoning
Origins of Zoning

- 1840 to 1900 – immigration & growth led to tenements
- Poor conditions to better living conditions
- Passed tenement regulations
  - “old law” tenement (1879-1901)
  - “new law” - tenement (after 1901)
Origins of Zoning

Hell’s Kitchen
Before Zoning Resolution
Origins of Zoning

• Equitable Building
  1915 Broadway at Pine Street
  – 42 stories → out of context
  – Outrage ensued
Evolution of NYC Zoning Resolution

- 1916 - New York City enacted the nation’s first comprehensive zoning resolution to protect and promote public health, safety & general welfare
  - Established Use Groups to coordinate different uses
  - Introduced Bulk regulations to control density and ensure air & light such as sky exposure plane
  - Addressed progress of the automobile
Sky Exposure Plane
Wedding Cake Setbacks
Garment Center—Wedding Cake Setbacks
1916 Zoning Resolution
Built Results
Zoning Power

• 1926 Standard State Zoning Enabling Act (SZEA) by the US Department of Commerce
  – For the purposes of promoting health, safety, morals, or the general welfare
  – Gives states **Police Power**, which is the broad authority of the states to pass and enforce laws for the well-being of the public
  – Specifically gives powers to regulate Bulk & Use
Evolution of NYC Zoning Resolution

• From 1916 to 1961, there were over 2500 amendments to the 1916 Zoning Resolution
Evolution of NYC Zoning Resolution

- 1961 - Zoning Resolution is entirely revised
  - Towers in the Park - Floor Area Ratio (FAR) & Open Space Ratio (OSR)
  - Incentive zoning
  - Parking Requirements
Towers in the park

Existing configuration

Towers in the Park concept

Source: Columbia University
Towers in the Park

Penn South Cooperative
Evolution of NYC Zoning Resolution

• But it led to ideas like this one--
Incentive Zoning: Plaza Bonus

Allowed floor area can be increased up to 20% by providing a plaza open to the public.
Parking Requirements

Incorporation of Parking Requirements

Source: Milrose Consultants
Other Notable Zoning Measures

- **1984:**
  - Contextual Zoning
    - Height, set back, and building envelope regulations

- **1987:**
  - Quality Housing
    - Includes street trees, dwelling unit sizes, street wall continuity etc.
  - Inclusionary Housing
    - Offers optional floor area *bonus* in exchange for the creation or preservation of affordable housing, on-site or off-site, principally for low-income households
Contextual zoning (1984)
Inclusionary Housing (1987)

Bonuses allow bigger buildings in exchange for a public benefit.

- 20% of floor area dedicated to affordable housing
- 33% floor area bonus
Zoning Mechanics
Zoning

• Modern Zoning Controls strive to ensure functional relationship between all the different users and framework for appropriate growth

• Zoning Controls
  – Land Use
  – Density (Floor Area Ratio)
  – Density (Number of Units)
  – Lot Coverage
  – Building size
  – Parking & Signage
Zoning

Map

Text

Chapter 1 - Title, Establishment of Controls and Interpretation of Regulations

How many pages are there?
**Zoning**

**Districts**

**Designations**

<table>
<thead>
<tr>
<th>Residential Density</th>
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## Zoning Vs. Land Use

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Land Use Groups

- 1 & 2 Residential
- 3 & 4 Community Facilities
- 5 - 9 Commercial / Local retail & Services
- 10 - 11 Regional Shopping Centers/Amusement
- 12 - 15 Waterfront / Recreation
- 16 General Services / Heavy Automotive
- 17 & 18 Manufacturing

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Residential Use Groups</th>
<th>Community Facility Use Groups</th>
<th>Retail &amp; Commercial Use Groups</th>
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</table>

### Residential Districts
- R1: Single-family detached
- R2: Single-family detached
- R3: Single-family detached
- R4: Single-family detached
- R5: Single-family detached
- R6: Single-family detached
- R7: Single-family detached
- R8: Single-family detached
- R9: Single-family detached
- R10: Single-family detached

### Commercial Districts
- C1: Local Retail
- C2: Local Service
- C3: Waterfront & Recreation
- C4: General Commercial
- C5: Central Commercial (Retail)
- C6: Central Commercial (General)
- C7: Commercial Amusements
- C8: General Service

### Manufacturing Districts
- M1: Light Manufacturing
- M2: Medium Manufacturing
- M3: Heavy Manufacturing

* Zero lot line buildings permitted
Zoning Concepts & Tools
Zoning Concepts & Tools

- Floor Area Ratio
- Transfer of development rights
- Lot Mergers
- Overlay districts
- As-of-right development
- Uniform Land Use Procedure
Floor Area Ratio (FAR)

- **FAR=1.0**
  - 10,000 sf building covering 100% of lot

- **FAR=1.0**
  - 10,000 sf building covering 50% of lot

- **FAR=1.0**
  - 10,000 sf building covering 25% of lot
Zoning Lot Mergers

• Enable development rights to shift around a single zoning lot
Transfer of development rights

**TDRs:** Enable development rights to hop from one lot to another – sometimes at a distance of several blocks.
Overlay Districts

- E.g. commercial overlay
- Commercial district mapped within residential districts to serve local retail needs (grocery stores, dry cleaners, restaurants)
- Shown superimposed on map
As-of-Right Development

• Most development in New York City occurs as-of-right

• Zoning enforced by NYC Department of Buildings (DOB)
  – Issues permits in compliance with the Zoning Resolution and the Building Code
  – Grants certificates of occupancy
  – Interprets provisions of the Zoning Resolution
  – Prosecutes zoning violations
  – Maintains public records
ULURP

The Six Phases of the Uniform Land Use Review Process

1. City Planning certifies application
   - 60 days

2. Community Board Review and Approval
   - 30 days

3. Borough Pres Review and Approval
   - 30 days

4. City Planning Commission Review and Approval
   - 60 days

5. City Council Review and Approval
   - 50 days

6. Mayor Review
   - 5 days

Source: Brownstoner https://www.brownstoner.com/development/ulurp/
Key NYC Planning Tools

- **NYC ZAP**: Find New York City Zoning & Land Use Applications
- **NYC ZOLA**: New York City's Zoning & Land Use Map
- **NYC Capital Planning Platform**: Explore NYC Facilities
- **NYC Community District Profiles**: Data, maps, and other resources for each community district
- **NYC Population Fact Finder**: Detailed population profiles showing critical demographic, social, economic, and housing statistics over time
Sources

• Department of City Planning
• Office of the Manhattan Borough President
  – Gale Brewer (2014- Present)
  – Scott Stringer (2006-2013)
• NYPL Digital Collections
Zoning & Land Use 102

Special Zoning Districts in Manhattan Community District #4
• Why do Special Districts exist?
  – Since 1969, the City Planning Commission has been designating special zoning districts to achieve specific planning and urban design objectives in defined areas with unique characteristics.

• How do Special Districts get mapped?
Adoption of Special Districts

- Clinton – 1974
- Midtown – 1982
- Jacob K. Javits Convention Center – 1986
  - Removed in 2005
- Garment Center – 1987
- Hudson Yards – 2005
- West Chelsea – 2005
Reason for Adoption of Special Districts

- Clinton
  - Response to proposed convention center on West 44th Street piers
- Midtown
  - Compromise over the transfer of development rights for Broadway theaters
- Jacob K. Javits Convention Center
  - Mapped to upzone and promote development on 11th Avenue opposite the convention center
- Garment Center
  - Commitment to unions from Times Square redevelopment
- Hudson Yards
  - City desired to expand the central business district west and build a stadium. Design elements of Hudson Yards all relate to the stadium that was never built.
- West Chelsea
  - Promote development on the West Side and find a legal mechanism to prevent court challenges to the High Line Park development
Purpose
(§ 96-00)

- Preserving and strengthening the residential character of the community;
- Retaining the low rise character of the neighborhood;
- Maintaining a broad mix of incomes; and
- Ensuring that the community is not adversely affected by new development.
Sub Areas

- Preservation Area (Area A)
- Perimeter Area (Area B)
- Other Areas (Area C)
  - Northern Subarea C1
  - Western Subarea C2
- Excluded Areas
Preservation Area (Area A)
Preservation Area (Area A)

• No demolition or partial demolition permits for residential buildings unless legally unsafe

• Alterations allowed only with a Certificate of No Harassment (CoNH)

• Height Limits—between 66 and 99 feet

• Density limited to 4.2 FAR

• New buildings and alterations must have at least 20% two bedroom units
Preservation Area (Area A)

• Midblock:
  – Height – maximum 66 feet or 7 stories, whichever is less.

• Ninth and Tenth Avenues:
  – Street walls – maximum of 66 feet
  – Height – Maximum 85 feet, up to 99 feet by Special Permit
Perimeter Area (Area B)

• Runs along 8th Avenue from West 56th Street to West 42nd Street

• High density, high rise, residential or commercial development, demolition permitted
  – Base FAR of 10, Bonusable to 12 with Inclusionary Housing, no other bonuses allowed
  – Certificate of No Harassment Required

• Along West 42nd Street Perimeter Area there are additional requirements (150 feet west of 8th Avenue to 12th Avenue)
  – Retail continuity requirement
  – Floor Area Bonus up to 15 FAR for New Theater Use (only between West 42nd Street, Dyer Avenue, West 41st Street and 11th Avenue)
Certificates of No Harassment and Cure Requirements

• Certificates of No Harassment are issued by HPD after publication and an investigation

• If there is finding of harassment, the Cure for Harassment is 28% of the floor area of the existing buildings or 20% of the floor area of the entire site to be developed*. The Cure % must produce low income housing (up to 80% AMI) in perpetuity via deed restriction

*whichever is greater
Other Areas

• Northern Subarea (C1)
  – All of the blocks in the Other Areas north of West 55th Street

• Western Subarea (C2)
  – All of the blocks in the Other Areas south of West 55th Street

• Maximum Building Height of 135 feet

• Required street wall of 50 - 95 feet
Excluded Areas

• Clinton Urban Renewal Area – West 50th Street to West 56th Street, 10th to 11th Avenues
• Worldwide Plaza (former Madison Square Garden Site) – West 49th to West 50th, 8th to 9th Avenues
• Manhattan Plaza – West 42nd to West 43rd Streets, 9th to 10th Avenues
• Parc Vendome – West 56th to West 57th Streets
• ECF Site (now PS 51/Gotham) – West 44th to West 45th, 10th to 11th Avenues
SPECIAL GARMENT CENTER DISTRICT
Special Garment Center District Map

#Special Garment Center District#

A-1 Garment Center Subdistrict A-1
A-2 Garment Center Subdistrict A-2

#Street Wall# required pursuant to 121-42 (a)

Portion located in Community Board 4
Purpose
(§ 121-00)

• Retail adequate wage and job-producing industries within GC
• Provide an opportunity for apparel production and showroom space in designated areas of the Garment Center
• Preserve a variety of types of space for a diversity of businesses that service the Garment Center and the city
• Recognize the unique character of the western edge of the Special District as integral to the adjacent Special Hudson Yards District
• Establish an appropriate urban scale and visual character within the Garment Center
• Promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.
Preservation Areas

• Area A-2
  – As-of-right conversions to office or residential space are allowed in buildings with less than 70,000 square feet.
  – In buildings with more than 70,000 square feet, conversion is allowed as long as building owners set aside the requisite space.
  – As part of the Hudson Yards Rezoning (2005)
    • Can now build new residential and commercial buildings
    • Inclusionary Housing Designated Area
As part of the Hudson Yards Rezoning (2005)

• Street walls required at the street line and extending along entire street frontage
• Street walls rise without setback to a minimum of 80 feet and maximum of 90 feet, unless neighboring buildings are significantly taller or shorter
  – Maximum Building Height of 250 feet
• Can now build new residential and commercial buildings
• Inclusionary Housing Designated Area
SPECIAL HUDSON YARDS DISTRICT
Special Hudson Yards District Map

- Special Hudson Yards District
- 100% Retail and Glazing Requirement
- 50% Retail and Glazing Requirement
- Glazing Requirement Only

Subdistrict F (See Map 8 for Mandatory Ground Floor requirements)
Purpose
(§ 93-00)

• Provide opportunities for substantial new office development;
• Encourage new housing development on the Far West Side;
• Facilitate a subway extension and the creation of a new boulevard; and
• Provide new publicly accessible open space.
Key Features

• Establishment of HYIC and HYDC
• Establishment of Pilots for Commercial Development
• District Improvement Fund Bonus -- $134.63 per sq. foot
• Transfer of Development Rights from ERY
• Mapping new Hudson Park and Boulevard
• Extension of the #7 subway line
• Ground Floor Retail
• Street Trees
• Sidewalk Widening
• Inclusionary Housing Bonus
Sub Districts

Large-Scale Plan Subdistrict A
  Eastern Rail Yards Subarea A1
  Four Corners Subarea A2
  Subareas A3 through A5

Farley Corridor Subdistrict B
  Western Blocks Subarea B1
  Central Blocks Subarea B2
  Farley Post Office Subarea B3
  Pennsylvania Station Subarea B4

34th Street Corridor Subdistrict C

Hell’s Kitchen Subdistrict D
  Subareas D1 through D5

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F
Sub District Purposes

• Hell’s Kitchen
  – Allows new residential development in midblocks between 9<sup>th</sup> and 10<sup>th</sup> Avenues

• Tenth Avenue Corridor
  – Transition from lower to higher density (6.02 to 12 FAR)

• Commercial Core – 34<sup>th</sup> to 41<sup>st</sup>, 11<sup>th</sup> Avenue
  – New office buildings along new boulevard and park (FAR 33 -- densest zoning in the city)

• 34<sup>th</sup> Street Corridor
  – Reinforce existing residential and commercial uses

• Farley Corridor
  – Office development and 32<sup>nd</sup> Street as pedestrian corridor
Western Rail Yard Subdistrict F

- Development Sites 1-6
- Street wall, building height, floor plate, and tower regulations
- Tower Top Articulation
- Relationship of Sites to High Line Park
- Public open space
  - Western Open Space
  - Central Open Space
  - Southwest Open Space
<table>
<thead>
<tr>
<th>Subarea</th>
<th>Western Blocks</th>
<th>Central Blocks</th>
<th>Farley Post Office</th>
<th>Penn. Stn.</th>
<th>Subarea D1</th>
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<td>12.0 total 12.0 C 2.0 CF</td>
<td>10.0 total 10.0 C 2.0 CF</td>
<td>10.0 total 10.0 C 2.0 CF</td>
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<td>12.0 total 7.5 R 2.0 CF</td>
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C = Commercial FAR  
CF = Community Facility FAR  
R = Residential FAR
New York has a long history of meeting great challenges. It is a history of planning during recessions and building during booms. In fact, it was exactly one century ago that Park Avenue was an open rail yard spewing smoke and soot. In response, the state legislature mandated the construction of Grand Central Station, one of the greatest train terminals in the world. Streets and development parcels were built around open rails yards and within thirty-years, the area was lined with some of most impressive buildings in the city, including the Waldorf Astoria.

In 1900, New York City invested in the infrastructure that created the world's greatest central business district. A century later, New York City is poised to make a similar investment to transform the Hudson Yards into a vital urban center.
Renderings of Fully Built Out Hudson Yards
Mechanism to Increase FAR

- Eastern Railyards Distribution
- District Improvement Bonus (DIB)
- As-of-Right Development

Diagram showing the distribution of FAR with sections for commercial and residential development.
Site 735A

East side of Tenth Avenue between West 37th and 38th streets

Block/Lot: 735/1, 6, 7, 8, 9, 65
Zoning: C2-8
Total Lot Area (SF): 38,049
Max. FAR: 13.0
Max. ZFA (SF): 494,637
Base FAR: 6.5  Bonus FAR: 6.5  ERY Transfer FAR: NA
Ownership: All lots are privately owned by one entity
Assemblage required: No
Design Controls: ground floor retail and transparency, street trees, required street wall
Parking Requirement: approximately 109 spaces
Height Limits: None
Site Attributes: Convenient access to future mass transit and Javits Convention Center; accommodates mixed-use development
Site Challenges: No major challenges

*Or transfer of air rights from Phase II of Blvd

DIB: District Improvement Bonus; IHB: Inclusionary Housing Bonus
Hudson Yards
Hudson Yards
SPECIAL WEST CHELSEA DISTRICT
Special West Chelsea District Map

Sub Areas

- Special West Chelsea District
- High Line Transfer Corridor
- High Line
Purpose
(§ 98-00)

• Area bounded generally by Tenth and Eleventh Avenues from West 30th Street south to West 16th Street, established to:
  – Provide opportunities for new residential and commercial development; and
  – Facilitate the reuse of the High Line elevated rail line as a unique public open space.
Subdistricts

- A
- B
- C
- D
- E
- F
- G
- H
- I
Key Features

• High Line Development Rights Transfer
• Highline Improvement Bonus
• Highline Improvement Fund
• Inclusionary Housing Bonus in Designated Areas
  – C6-3 and C6-4 Districts within Subareas A through D, and Subarea I
High Line Benefits

• High Line Transfer Corridor—enables the transfer of development rights from properties over and immediately west of the High Line to permit light and air to penetrate to the High Line and preserve and create view corridors

• Highline Improvement Bonus—Mandates specific Highline Improvements for Subareas D, E, G, H, and I in exchange for an increased FAR

• Highline Improvement Fund—For some zoning lots within Subarea C, FAR may be increased to 7.5 if a payment has been made to the High Line Improvement Fund
<table>
<thead>
<tr>
<th>Sub-area</th>
<th>Basic #floor area ratio# (max)</th>
<th>in FAR from #High Line Transfer Corridor# (98-30)</th>
<th>Increase in FAR with #High Line# Improvement Bonuses (98-25)</th>
<th>Inclusionary Housing</th>
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DEMOLITION RESTRICTION
Demolition Restriction
West 35th Street
Demolition Restriction
Ninth Avenue
Demolition Restriction
West 17th and West 29th Streets